

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 07/21/03.

## **I. DISPUTE**

Whether there should be reimbursement for CPT codes 97110, 99213, 97113, and 99080-73 on dates of service 03/06/03, 03/14/03, 03/21/03, 03/24/03, 03/26/03, 03/28/03, 03/31/03, 04/04/03, 04/04/03, 04/18/03, 04/28/03, and 05/02/03. \_\_\_ with \_\_\_ submitted an updated table of disputed services on 03/25/04. The updated table excludes services that were on the original table that are no longer in dispute.

## **II. RATIONALE**

- CPT code 97110 on date of service 03/06/03. An EOB was not submitted by either party; therefore the service will be reviewed per the 1996 Medical Fee Guideline. Recent review of disputes involving CPT Code 97110 by the Medical Dispute Resolution section as well as analysis from recent decisions of the State Office of Administrative Hearings indicate overall deficiencies in the adequacy of the documentation of this Code both with respect to the medical necessity of one-on-one therapy and documentation reflecting that these individual services were provided as billed. Moreover, the disputes indicate confusion regarding what constitutes "one-on-one". Therefore, consistent with the general obligation set forth in Section 413.016 of the Labor Code, the Medical Review Division has reviewed the matters in light all of the Commission requirements for proper documentation. Submitted S.O.A.P. notes do not document the severity of the injury that would require exclusive one-to-one supervision. Reimbursement is not recommended.
- CPT code 99213 on dates of service 03/06/03, 03/14/03, 03/21/03, 03/24/03, 03/26/03, 03/28/03, 03/31/03, 04/04/03, 04/07/03, 04/18/03, 04/28/03, and 05/02/03. EOB's were not submitted by either party; therefore the service will be reviewed per the 1996 Medical Fee Guideline. The S.O.A.P. notes for these dates do not support a significant change in the injured workers condition to substantiate more than one re-examination per month MFG Medicine Ground Rule I. (A)(4). Reimbursement in the amount of \$144.00 (\$48.00 x 3 dates of service) is recommended.
- CPT code 97113 on dates of service 03/14/03, 03/21/03, 03/24/03, 03/26/03, 03/31/03, 04/04/03, 04/07/03, 04/18/03, 04/28/03, and 05/02/03. EOB's were not submitted by either party; therefore the service will be reviewed per the 1996 Medical Fee Guideline. The S.O.A.P. notes for these dates support delivery of service per TWCC Rule 133.307 (g)(3)(A-F). Reimbursement in the amount of \$1,300.00 (\$52.00 x 25 units) is recommended.

- CPT code 99080-73 on dates of service 03/14/03 and 04/18/03. EOB's were not submitted by either party; therefore the service will be reviewed per the 1996 Medical Fee Guideline. The S.O.A.P. notes for these dates support delivery of service per TWCC Rule 133.307 (g)(3)(A-F). Reimbursement in the amount of \$30.00 (\$15.00 x 2 dates of service) is recommended.

### **III. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement in the amount of **\$1,474.00**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$1,474.00** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 6th day of April 2004.

Laura L. Campbell  
Medical Dispute Resolution Officer  
Medical Review Division

LLC/lc